

In the Claims

This listing of claims, as required by 37 C.F.R. §1.121(c), replaces all prior versions of claims in the application. Deletions from amended claims herein are indicated by ~~strike through~~ text and additions to same indicated by underlining.

Claims listing:

1-39. Cancelled.

40. (currently amended) A topple resistant receptacle A stackable painter's tool tray comprising:

~~a topple resistant receptacle having~~ a flat bottom, the flat bottom having a top side and a bottom side;

~~a paint can securing member disposed on the top side of the flat bottom;~~
a spill retainer wall, disposed about the perimeter of the flat bottom, said spill retainer wall having spaced inner and outer walls ~~connected~~ joined along top margins thereof and spaced apart along bottom margins thereof, a bottom edge of said outer wall facing downwardly and extending slightly below the plane of said flat bottom of said receptacle;

~~said inner and outer walls forming a slot therebetween at the bottom margins of said inner and outer walls;~~

~~a plurality of spaced apart guide members projecting from the connected top margins of the spill retainer wall, and wherein said spaced apart guide members provide a defined area for receiving a handle of a painter's tool and are adapted to insert into a slot between said inner and outer walls of a second stackable painter's tool tray to facilitate stacking of said tool tray~~

at least one paint can securing member disposed on the top side of the flat bottom, said paint can securing member including a resilient wall having an interior portion and an exterior portion, said paint can securing member being

adapted to surround and retain a bottom end of a paint container to said flat bottom.

41. (previously presented) A topple resistant receptacle comprising:

a container having a flat bottom, the flat bottom having a top side and a bottom side;

a spill retainer wall extending upwardly from the perimeter of said bottom, said spill retainer wall having spaced inner and outer walls joined along top margins thereof and spaced apart along bottom margins thereof, a bottom edge of said outer wall facing downwardly and extending slightly below the plane of said flat bottom of said receptacle;

a first paint can securing member disposed on the top side of the flat bottom, said paint can securing member including a resilient wall having an interior portion and an exterior portion, said paint can securing member being adapted to surround and retain a bottom end of a first diameter paint container to said flat bottom;

a second paint can securing member disposed on the top side of the flat bottom, said paint can securing member including a resilient wall having an interior portion and an exterior portion, said paint can securing member being adapted to surround and retain a bottom end of a second diameter paint container to said flat bottom; and

wherein said receptacle further comprises a plurality of spaced apart guide members projecting from the joined top margins of the spill retainer wall, and providing a defined area for receiving a handle of a painter's tool.

42. (withdrawn) A painter's tool kit comprising:

a topple resistant receptacle having a flat bottom surface, the flat bottom having a top side and a bottom side;

a paint can securing member disposed on the top side of the flat bottom;

a spill retainer wall, disposed about the perimeter of the flat bottom, said spill retainer wall having spaced inner and outer walls connected along top margins thereof;

said receptacle further comprising a plurality of spaced-apart guide members projecting from the connected top margins of the spill retainer wall, and providing a defined area for receiving a handle of a painter's tool;

a paint can slot shield, the slot shield comprising a disk having a top side, a bottom side, a central opening, and an exterior perimeter,

wherein said slot shield further comprises a brush securing member having a resilient gripping member adapted to secure one of a plurality of different sized paint brushes at a plurality of vertical positions against a backing surface, said resilient gripping member extending into said central opening of said disk.

43. (currently amended) The ~~tray as set forth in~~ topple resistant receptacle of claim 40 wherein a bottom edge of said outer wall faces downwardly and extends slightly below the plane of said bottom of said receptacle.

44. (withdrawn) The receptacle as set forth in claim 41 wherein said first paint can securing member further includes a raised shoulder disposed on said top side of the flat bottom of said receptacle, said resilient wall being positioned on said raised shoulder.

45. (withdrawn) The receptacle as set forth in claim 44 wherein said interior portion of said resilient wall of said first paint can of securing member includes an inwardly extending projection configured to resist withdrawal of a paint container.

46. (withdrawn) The receptacle as set forth in claim 41 wherein said interior portion of said resilient wall of said second paint can of securing member includes an inwardly extending projection configured to resist withdrawal of a paint container.

47. (currently amended) The ~~tray as set forth in~~ topple resistant receptacle of claim 40 wherein said receptacle is oblong, having a rectilinear shape at one end and a curved shape at the opposite end.

48. (currently amended) The ~~tray as set forth in~~ topple resistant receptacle of in claim 40 wherein the surface area of the flat bottom of said receptacle is at least twice the surface area of the bottom of a cylindrical gallon metal paint can.

49. (currently amended) The ~~tray as set forth in~~ topple resistant receptacle of claim 40 wherein said paint can securing member is disposed on the top side of the flat bottom, said paint can securing member including a resilient wall having an interior portion and an exterior portion, and being adapted to surround and retain a bottom end of a paint container having a first size diameter to said flat bottom.

50. (currently amended) The ~~tray as set forth in~~ topple resistant receptacle of claim 49 further including a second paint can securing member disposed on the top side of the flat bottom, said second paint can securing member including a resilient wall having an interior portion and an exterior portion, and being adapted to surround and retain a bottom end of a paint container having a second size diameter to said flat bottom.

51. (withdrawn) The kit as set forth in claim 42 wherein said slot shield further comprises a brush bristle wiping member.

52. (withdrawn) The kit as set forth in claim 51 wherein said brush bristle wiping member comprises a generally straight wiping edge.

53. (withdrawn) The kit as set forth in claim 52 comprising a second wiping edge extending angularly from said generally straight wiping edge.

54. (withdrawn) The kit as set forth in claim 51 wherein said central opening of said disk is generally circular and said brush bristle wiping member comprises a wiping bar having a wiping edge arranged between spaced points along the perimeter of the generally circular central opening.

55. (withdrawn) The kit as set forth in claim 42 wherein said central opening of said disk is generally circular and generally concentric with said exterior perimeter of said disk, and said bottom side of said disk comprises spaced, generally concentric, first and second raised shoulders arranged respectively about the perimeter of said central opening.

56. (withdrawn) The kit as set forth in claim 55 wherein said first raised shoulder of said disk is arranged to engage an inside surface of a generally circular opening to a paint can.

57. (withdrawn) The kit as set forth in claim 42 further comprising a gripping tab extending from said exterior perimeter of said disk.

58. (withdrawn) The kit as set forth in claim 42 wherein said disk further comprises a wiping shield.

59. (withdrawn) The kit as set forth in claim 58 wherein said wiping shield comprises a raised shoulder arranged on said top side of said disk along said perimeter of the central opening.

60. (withdrawn) The kit as set forth in claim 42 further comprising an adapter plate.

61. (withdrawn) The kit as set forth in claim 60 wherein said adapter plate comprises a plate having first and second sides, and having a circular raised shoulder on the first side of the plate and a rectilinear raised shoulder on the second side of the plate, one of said shoulders being configured to engage said paint can securing member, the other being configured to secure a paint can thereto.

62. (withdrawn) The kit as set forth in claim 42 further comprising a ladder hook.

63. (withdrawn) The kit as set forth in claim 62 wherein said ladder hook comprises a generally "U" shaped first end configured to removably mount to a rung of a ladder and two or more spaced opposite ends arranged to connect at spaced positions to an end of said receptacle.

64. (withdrawn) The kit as set forth in claim 63 wherein said ladder hook is formed from a single wire rod, folded over at about its center to form two closely spaced generally parallel rods connected at a first end and shaped to form a generally "U" shape suitable to loop over a ladder rung; said rods being thereafter separated to form spaced opposite ends, arranged to securely engage opposite sides of said receptacle.

65. (withdrawn) The kit as set forth in claim 62 wherein said receptacle includes a first end and a second end and wherein said a first end is adapted to be positioned on a first rung of a ladder while a second end of the receptacle is mounted to said ladder hook adapted to be attached to a higher rung of a ladder for holding the receptacle in a fixed, generally horizontal position when the ladder is leaning against a wall.

66. (currently amended) The topple resistant receptacle ~~stackable painter's tool tray~~ as set forth in claim 40 further comprising a ladder hook.

67. (currently amended) The ~~stackable painter's tool tray as set forth in~~ topple resistant receptacle of claim 66 wherein said ladder hook comprises a generally "U" shaped first end configured to removably mount to a rung of a ladder and two or more spaced opposite ends arranged to connect at spaced positions to an end of said receptacle.

68. (currently amended) The ~~stackable painter's tool tray as set forth in~~ topple resistant receptacle of claim 66 wherein said ladder hook is formed from a single wire rod, folded over at about its center to form two closely spaced generally parallel rods connected at a first end and shaped to form a generally "U" shape suitable to loop over a ladder rung; said rods being thereafter separated to form spaced opposite ends, arranged to securely engage opposite sides of said receptacle.

69. (currently amended) The ~~stackable painter's tool tray as set forth in~~ topple resistant receptacle of claim 66 wherein said receptacle includes a first end and a second end and wherein said a first end is adapted to be positioned on a first rung of a ladder while a second end of the receptacle is mounted to said ladder hook adapted to be attached to a higher rung of a ladder for holding the receptacle in a fixed, generally horizontal position when the ladder is leaning against a wall.

70. (withdrawn) The topple resistant receptacle as set forth in claim 41 further comprising a ladder hook.

71. (withdrawn) The topple resistant receptacle as set forth in claim 70 wherein said ladder hook comprises a generally "U" shaped first end configured to removably mount to a rung of a ladder and two or more spaced opposite ends arranged to connect at spaced positions to an end of said receptacle.

72. (withdrawn) The topple resistant receptacle as set forth in claim 71 wherein said ladder hook is formed from a single wire rod, folded over at about its center to form two closely spaced generally parallel rods connected at a first end and shaped to form a generally "U" shape suitable to loop over a ladder rung; said rods being thereafter separated to form spaced opposite ends, arranged to securely engage opposite sides of said receptacle.

73. (withdrawn) The topple resistant receptacle as set forth in claim 70 wherein said receptacle includes a first end and a second end and wherein said a first end is adapted to be positioned on a first rung of a ladder while a second end of the receptacle is mounted to said ladder hook adapted to be attached to a higher rung of a ladder for holding the receptacle in a fixed, generally horizontal position when the ladder is leaning against a wall.

74. (previously presented) A topple resistant receptacle for use on a ladder, said receptacle comprising:

- a flat bottom, the flat bottom having a top side and a bottom side;

- a spill retainer wall extending upwardly from the perimeter of said bottom, said spill retainer wall having spaced inner and outer walls joined along top margins thereof and spaced apart along bottom margins thereof, a bottom edge of said outer wall facing downwardly and extending slightly below the plane of said flat bottom of said receptacle;

- at least one paint can securing member disposed on the top side of the flat bottom, said paint can securing member including a resilient wall having an

interior portion and an exterior portion, said paint can securing member being adapted to surround and retain a bottom end of a paint container to said flat bottom; and

a ladder hook attached to said receptacle;

wherein said receptacle includes a first end and a second end and wherein said a first end is adapted to be supported by a first rung of a ladder while a second end of the receptacle is mounted to said ladder hook which is adapted to be attached to a higher rung of a ladder for holding the receptacle in a fixed, generally horizontal position when the ladder is leaning against a wall, such that a paint can positioned within said paint can securing member is between said ladder and a user such that the paint can may be easily accessed by a user.

75. (previously presented) The topple resistant receptacle as set forth in claim 74 wherein said ladder hook comprises a generally "U" shaped first end configured to removably mount to a rung of a ladder and two or more spaced opposite ends arranged to connect at spaced positions to an end of said receptacle.

76. (previously presented) The topple resistant receptacle as set forth in claim 75 wherein said ladder hook is formed from a single wire rod, folded over at about its center to form two closely spaced generally parallel rods connected at a first end and shaped to form a generally "U" shape suitable to loop over a ladder

rung; said rods being thereafter separated to form spaced opposite ends, arranged to securely engage opposite sides of said receptacle.

77. (previously presented) The topple resistant receptacle as set forth in claim 75 further comprising:

a paint can slot shield, the slot shield comprising a disk having a top side, a bottom side, a central opening, and an exterior perimeter,

wherein said slot shield further comprises a brush securing member having a resilient gripping member adapted to secure one of a plurality of different sized paint brushes at a plurality of vertical positions against a backing surface, said resilient gripping member extending into said central opening of said disk.